



City of Hermosa Beach
 1315 Valley Drive, Hermosa Beach, CA 90254
 310.318-0203 - Fax 310.372-6186
 Email: recordsrequest@hermosabch.org



Received By: Tanesha H.
 Referred To: _____
 Date Referred: 07/02/19

Public Records Request

The City of Hermosa Beach encourages public participation in the governing process and provides reasonable accessibility to all public records except those documents which are exempt from disclosure by express provisions of law or considered confidential or privileged under the law. The City is under no obligation to respond to requests which are not focused or specific. The City may withhold documents which are exempt from disclosure under state or federal law, including the attorney—client privilege or any other applicable privilege. The City, in accordance with Government Code Section 6253(b), has ten (10) days to respond to any request for public documents by indicating whether or not the documents exist and will be made available. Actual production of the documents may take somewhat longer depending upon their ease of availability and staff workload. To assist us in providing a timely response to your request, please fill out the form below and indicate the specific record/document you wish to review.

Name (please print): <u>Casey Kasher</u>		Email: <u>prarequest@aclusocal.org</u>
Address:		Phone: <u>(213) 977-9500 x265</u>
City:		Fax:

Record or Document Requested:

To assist the City with your request, please identify each requested record/document separately. Please be as specific as possible. Non specific inquiries may cause responses to be delayed or may prove to be burdensome and therefore the City may not be able to respond. (Additional sheets may be used) **Submit all requests to the City Clerk's Office.**

see Attached

Photocopies are \$0.20 per page (Mailing fee, if applicable is \$3.00 plus postage). Fees must be paid before records are released.

I agree to pay all applicable fees and charges per the City Council Resolution of Fees for any copies I request of the above mentioned document. *Accepted method of payment:* Cash or check. Credit card accepted in person only.

Signature _____

Date _____

For Departmental Use Only:

Action Requested:

☐ Review Only
☐ Copies Requested

Action Taken:

☐ Document Reviewed
☐ Copies Provided
☐ Refusal/Reason _____

By _____ Date _____
☐ Non-Existent Document
☐ Other (Please Explain) _____

For City Clerk's Use Only:

Date Requestor Notified _____ Notified By: _____ Date Picked Up or Mailed _____



July 2, 2019

Hermosa Beach Police Department
540 Pier Ave
Hermosa Beach, CA 90254



Via email

RE: Request for Public Records on Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

To Whom It May Concern:

In response to our request under the California Public Records Act ("CPRA") for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault (attached), you responded that your agency did not have any documents responsive to our request. Your response did not claim any grounds for withholding any documents that may be responsive to our request, and you did not indicate that you limited your search in any way (such as to a narrower set of dates than requested, or to a limited pool of officers, such as those currently employed).

We write to request that you confirm that your agency conducted a search for documents over the entire time periods requested, without limitation, and do not have custody or control of any responsive records.

An agency's search also must be "reasonably calculated to locate responsive documents," *American Civil Liberties Union of Northern California v. Super. Ct.*, 202 Cal. App. 4th 55, 85 (2011), and an agency may be required to assist a requestor to formulate a request based on the agency's greater knowledge of its own recordkeeping system. Cal. Gov. Code Sec. 6253.1(a)(1)-(3). If you do confirm that you did not find any disclosable incidents during the period in which we are seeking, please describe the search you conducted for responsive documents, and whether there were any obstacles or impediments to searching for documents responsive to our request.

Please confirm that:

1. From January 1, 1999 to the present, there are no instances in which a peace officer employed by your agency has used force that resulted in death.
2. From January 1, 2014 to the present, there are no instances in which a peace officer employed by your agency has discharged a firearm at a person under any circumstances.
3. From January 1, 2009 to the present, there are no instances in which a peace officer employed by your agency has used force against a person that resulted in great bodily injury.

4. From January 1, 1999 to the present, there has been no sustained¹ finding against any peace officer employed by your agency that they have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by another peace officer or custodial officer. This includes, but is not limited to any sustained finding of perjury, false statements, filing false reports, or destruction of evidence.
5. From January 1, 2009 to the present, there has been no sustained finding against any peace officer employed by your agency that they have engaged in sexual assault involving a member of the public. This includes the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping.

If you have documents responsive to our request but have determined they are exempt from disclosure, you must notify us of the reasons for your determination that documents are exempt Government Code 6253(c). Under the CPRA, any public record must be disclosed unless a specific statutory exemption applies. *See, e.g., ACLU of Northern Cal.*, 202 Cal.App. 4th 55, 66 (2011) (internal citations omitted) (“[a]ll public records are subject to disclosure unless the Public Records Act expressly provides otherwise.”); *Marylander v. Super. Court*, 81 Cal.App. 4th 1119, 1125 (2000) (“unless exempted, all public records may be examined by any member of the public”). The enactment of Senate Bill 1421 (2018) and the consequent amendments to Penal Code Sec. 832.7 displaced all exemptions under the CPRA or any other provision of law and limited any possible bases for withholding to those specified in Penal Code Sec. 832.7(b)(7). *See* Penal Code Sec. 832.7(b)(1) (“Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, **or any other law**, the following peace officer or custodial officer personnel records and records maintained by any state or local agency **shall not be confidential and shall be made available for public inspection** pursuant to the California Public Records Act” (emphasis added)).

Thank you for your attention to this request. Please do not hesitate to contact us with any questions regarding this letter at prarequest@aclusocal.org.

Best,



Peter Bibring
Director of Police Practices
ACLU of Southern California

¹ A “sustained finding” means “a final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer or custodial officer were found to violate law or department policy.” Penal Code Sec. 832.8(b).